

REMARKS

I. Introduction

Claims 1-5, 7-16, 18-23 and 25, are pending in this application, of which claims 1 and 13 are independent. All pending claims stand rejected. Claims 6, 17, and 24, have been cancelled without prejudice or disclaimer. Claims 1, 13, and 20-23 are currently amended. The amendments are supported throughout the specification and specifically by Figs. 1-2. The specification has been amended to correct a typographical error in the title.

II. Claim Rejection under 35 U.S.C. § 112

A. Rejection of claims 20-23

Claims 20-23 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action indicates that further clarification is needed to distinguish or identify as identical the partitioning wall recited in claims 20-23 from the partitioning wall as introduced in claims 13 and 14. To facilitate prosecution, Applicants have amended language describing a partitioning wall which may support additional dividers to recite a “partitioning support wall” which stabilizes a “second partitioning wall”.

B. Rejection of claims 1-5, 7-16, 18-23 and 25

Additionally, claims 1-5, 7-16, 18-23 and 25, have been rejected under 35 U.S.C. § 112, second paragraph. The Office Action states that claims 1, 13, and 14, do not clearly describe how the blades can engage opposite connecting and support elements as the partitioning wall with blades is not large enough to reach between the two support walls. During the September 19, 2006 interview, the Examiner indicated the rejection arose from the length of the currently amended “second portioning wall” not being clearly long enough to engage opposite connecting and support elements of two support walls.

In response, Applicants have amended claims 20-23. Claim 20 now identifies “a second partitioning wall . . . wherein the length of said second partitioning wall is predetermined such that at least one of the support walls with which said second partitioning wall engages is the

partitioning support wall. . . ." With the amendments to claims 13 and 20-23, it would be evident to one skilled in the art how the blades of the second portioning wall engage the opposite connecting and support elements of two support walls, wherein one of the two support walls is a partitioning support wall. Based on the foregoing, Applicants courteously traverse any grounds for this rejection, and therefore, respectfully request its withdrawal.

III. Claim Rejection under 35 U.S.C. § 102

Claims 1-2, 5, 7-8, 13-14, 16, and 18-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,577,773 (Bitel). In response to this rejection and in order to facilitate prosecution, Applicants have amended claims 1 and 13 to more clearly distinguish the claimed invention from the cited reference. Due to differences in the structure of the blades and the connecting elements, Applicants respectfully submit that Bitel does not anticipate the claimed subject matter.

Specifically, Bitel differs from the claimed subject matter in that Bitel's blades do not comprise a face which is parallel to a face of the partitioning wall, as is recited in currently amended claims 1 and 13. Moreover, Bitel fails to teach blades which are punched out along a vertical separation from a face of the partitioning wall. Indeed, Bitel's blades are vertically *connected to* rather than *separated from* the partitioning wall. Further, claims 1 and 13 recite that the blades are contiguous with the face of the partitioning wall along a *horizontal* connection, and as explained, Bitel teaches blades having a *vertical* connection.

The Examiner is respectfully reminded that anticipation is established by the express or inherent disclosure in a single prior art reference of every element of the claimed invention in question. *Bristol Myers Sqibb, Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368 (Fed. Cir. 2001). Further, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Based on the foregoing, the elements in the claimed subject matter are not arranged as those in the cited reference.

The different arrangement of elements in Bitel and in the claimed subject matter are relevant distinctions, because a blade which is punched out from a face of a partitioning wall along a vertical separation inherently requires fewer materials than a blade which is attached to a partitioning wall along a vertical connection. Additionally, a blade comprising a face parallel to a face of the partitioning wall, as in the present invention, disperses force applied to the face of

the wall through the face of the blade. However, a blade such as Bitel's with an edge parallel to a face of the partitioning wall disperses force along the edge of the blade. The different arrangement of components in the claimed subject matter from the cited references dictates that equal amounts of force applied to the partitioning walls yield different measurements of torque about the axes along which the blades are connected to the faces of the partitioning walls.

In addition to teaching a different arrangement of blade components, Bitel further differs from the claimed subject matter, because Bitel's connecting elements that hold the blades are slots in the support walls rather than features projecting from the support walls, as required by the present invention's claims 1 and 13. Bitel describes the connecting elements (42, 44) as "pairs of slots 42 and . . . recesses 44 therein about the slots 42" (column 3; lines 15-17). Bitel does not teach or suggest connecting units that hold blades projecting from support walls as recited in claims 1 and 13.

Pursuant to the September 19, 2006 Examiner interview, Applicants believe the foregoing differences and amendments distinguish the claimed subject matter over the cited references. Applicants courteously submit that the foregoing fully addresses the Office Action's rejections under 35 U.S.C. §102 and respectfully request its withdrawal.

IV. Claim Rejection under 35 U.S.C. § 103

Claims 1-4 and 9-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swiss Patent No. 644742 (Hollenstein) in view of Bitel. As described in § III *supra*, Bitel fails to teach or suggest an arrangement of blades as recited in claims 1 and 13. Particularly, Bitel does not teach or suggest blades punched out from the partitioning wall along a vertical separation, contiguous to the partitioning wall along a horizontal connection, and having a face parallel to a face of the partitioning wall. As is stated in the Office Action, "Hollenstein does not disclose a pair of blades in the partitioning wall" (Page 6, ¶ 17). Hence, Hollenstein does not teach or suggest the blade element arrangement deficiencies of Bitel.

Further, claims 20-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hollenstein in view of Bitel and in further view of U.S. Patent No. 4436215 (Kleinert). Kleinert's blades as pictured in Fig. 2 and Fig. 7 are similar to those of Bitel, in that they are contiguous with the face of the partitioning wall along a vertical rather than horizontal connection. Additionally, Kleinert's blades do not overcome Bitel's deficiencies as Kleinert's

blades does not teach or suggest blades that protrude from the plane of the partitioning wall. Kleinert fails to overcome Bitel's deficiency of teaching or suggesting that a face of a blade be parallel to a face of the partitioning wall. The combination of references fail to teach or suggest the arrangement of blade elements as recited in claims 1 and 13.

The Examiner rejects claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Bitel in view of U.S. Patent No. 3227504 (Dunham). However, neither Bitel nor Dunham teach or suggest blade faces that protrude from a face of the partitioning wall along a *vertical separation*. Instead, both Bitel and Dunham disclose blades joined to the partitioning wall along a *vertical connection*. Neither Bitel nor Dunham teaches or suggests blades connected to the partitioning wall along a horizontal axis, as is recited in claim 13. Further, neither the blades of Dunham nor Bitel comprise a face parallel to a face of the partitioning wall. Because the combination of references neither teach nor suggest the elements arranged in the manner recited by the claimed subject matter, Applicants respectfully traverse the rejection.

Applicant submits that the foregoing fully addresses the Examiner's rejections under 35 U.S.C. §103 and respectfully request their withdrawal.

V. Conclusion

It is to be understood that no admission is made nor implied by the present amendment as to the fact that the prior art cited may be relevant. This amendment is made solely to expedite the prosecution of the present application.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance, reconsideration of the present application and a favorable response are respectfully requested. Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 756-8000.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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